

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DUSTIN M. JAMES,

Plaintiff,

vs.

DEBRA HALE, *et al.*,

Defendants.

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Case No. 15-cv-01335-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the court on the Report and Recommendation (“R & R”) (Doc. 62) of Magistrate Judge Donald G. Wilkerson with regard to Defendant Thomas Trice’s Motion to Dismiss (Doc. 32) based on Qualified Immunity. There were no objections to the R & R.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 62) and **DENIES** Defendant Thomas Trice’s Motion to Dismiss (Doc. 32) based on Qualified Immunity.

IT IS SO ORDERED.

DATED: 1/11/2017

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE